

Appln. No. 10/748,047

Attorney Docket No. 5709-168

II. Remarks

Claims 1 through 21 are pending in the application. Claims 1, 8 and 15 have been amended. No new claims have been added. Accordingly, twenty-one claims are pending and under consideration.

Rejections Under 35 USC § 102

Claims 1 through 21 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5,783,312 issued to Laughman, et al., hereinafter "Laughman." Laughman was extensively discussed in the previous Amendment. Nonetheless, inasmuch as the reference remains the primary reference and the Examiner has maintained the rejection under 35 U.S.C. 102(b), the reference will be again discussed and further distinguished.

Laughman teaches aU-shaped, expanded metal strip 30 for reinforcing, for example, a resilient weatherstrip. The significant feature of the Laughman expanded metal strip is that it exhibits a first rigidity or resistance to deformation along one leg of the U-shape and a second, distinct rigidity or resistance to deformation along the other leg. These characteristics are achieved by first lancing or piercing the first and second (left and right) legs of the strip in distinct patterns. Then, each leg is deformed by sets of pinching or coining rollers which form a first, compressed inner spline 44 and a second compressed, thinner outer spline 46 which is interrupted by slits 42. Laughman explains that the continuous inner spline 44 may offer tension resistance of 160 pounds before it begins to stretch whereas the thinner, outer spline 46, interrupted by the slits 42, offers tension resistance of 45 pounds before it begins to stretch. Figure 1 and especially Figure 3 highlight the differences between the first continuous spline 44 and the second interrupted spline 46 having the transverse slits 42.

These two splines 44 and 46 extend continuously and longitudinally along the two legs or walls of the expanded sheet metal strip 30. As such,

...the continuous spline 44 helps maintain the uniform configuration of the tubular portion 16 without any kinks or distortion while the outer wall 18 of channel portion 14 is stretched around curves within the receiving channel portion (not shown) extending around a

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door or trunk opening within a vehicle body. (Column 3, lines 37 through 42).

Laughman further states:

Thus, the construction of the expanded metal reinforcing strip 30 provides for bending of the weatherstrip 10 around tight curves and corners with minimum distortion of the tubular portion 16.

That is, the outer wall 18 of the weatherstrip 10 may stretch relative to the inner wall 19 with corresponding stretching of the spline 46. However, since the tabs 38 and the segments of the spline 46 form a serpentine-like continuous and expandable connection of the bars 34, the rubber wall 18 stretches uniformly and is prevented from tearing when the wall is stretched around a curve. (Column 3, lines 43 through 53).

Clearly, Laughman is concerned with and addresses the left-right, i.e., transverse, dimensional and deformation issues that occur when a weatherstrip which includes a tubular portion 16 is installed within a vehicle and made to conform to the various curved door and window openings of the vehicle.

By way of contrast, Applicant's claimed product is a weatherstrip having longitudinally distinct regions of different rigidities. These regions are, however, within manufacturing tolerances, uniform left and right, i.e., transversely along their length. Such longitudinally extending regions of distinct but uniform transverse rigidity alternate with one another along the length of the weatherstrip. Such regions of higher rigidity or stiffness correspond to and are intended to be placed in straight portions of door and window openings whereas longitudinally extending regions of lesser stiffness or rigidity correspond to and are intended to be installed in curved portions of door and window openings. As noted, in order to most beneficially practice the invention, it is therefore necessary that the proper alternating lengths of more rigid and less rigid regions of the weatherstrip be manufactured to correspond with the particular straight and curved regions of door and window openings of a particular vehicle. Furthermore, it is necessary that such alternating rigid and less rigid regions of a weatherstrip be capable of identification such that they can be properly installed in a vehicle.

Independent claims 1, 8 and 15 are directed to a weatherstrip having a hybrid carrier, i.e., a carrier which defines alternating regions of greater and lesser rigidity.

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Since weatherstrips by their nature and since the disclosure of Applicant's invention clearly illustrates the claimed product to be an elongate structure, the language previously chosen regarding first and second longitudinally extending regions of first and second rigidities was, it is submitted, appropriately and objectively distinguishing over the prior art Laughman reference.

Manifestly, therefore, when the teachings of Laughman are properly understood and applied, they neither anticipate nor render obvious the claims directed to the present invention. Laughman simply does not teach nor render obvious a weatherstrip having a metal carrier with alternating longitudinally extending regions of distinct rigidity.

Nonetheless, in an attempt to further distinguish over the art and satisfy the Examiner regarding appropriate and patentable claims directed to the invention, Applicant's attorney has further revised the independent claims to clarify that the regions of distinct rigidity extend longitudinally along the elongate carrier or weatherstrip.

Entry of these claims under the provisions of 37 C.F.R. §1.116 is earnestly requested. The claims, as amended, were not earlier submitted based upon a good faith belief that the language and limitations of the previously submitted claims patentably distinguished over the Laughman reference. Additionally, it is submitted that since the issues regarding patentability have been well and narrowly defined since the first Office Action, that the primary reference, Laughman, has remained such throughout the prosecution and finally that the matter of claim amendment throughout the prosecution has been always focused upon the longitudinally distinct regions of rigidity of the metal carrier and the manner of claiming it, no new search has been necessitated by the present claim amendments.

In view of all of the foregoing, entry of this Amendment under the provisions of 37 C.F.R. §1.116, in order to achieve allowance of this patent application and conclude its prosecution, is respectfully requested.

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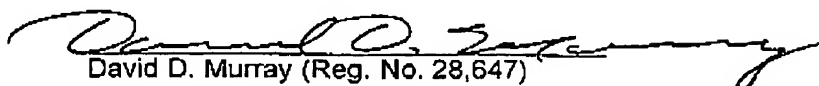
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SUMMARY

Pending Claims 1 through 21 as amended are patentable. Applicant respectfully requests the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

March 20, 2006
Date


David D. Murray (Reg. No. 28,647)

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